

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JANICE WASHINGTON, individually and)
as the surviving mother of Decedent, and)
LOUIS LYEN PAYTON, deceased,)
)
Plaintiffs,)
)
v.)
)
CITY OF ST. LOUIS, MISSOURI, et al.,)
)
Defendants.)

Case No. 4:20-cv-00861-SEP

MEMORANDUM AND ORDER

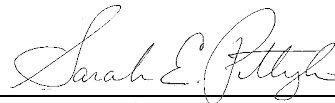
Before the Court is Defendants' Motion to Stay Pending Interlocutory Appeal. Doc. [85]. On April 22, 2022, Defendants timely filed a Notice of Appeal as to the Court's March 31, 2022, partial denial of their Motion for Summary Judgment, Docs. [77], [83]. Plaintiff consents to the Motion. Doc. [91]. A filing of a notice of appeal "confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *Johnson v. Hay*, 931 F.2d 456, 459 n.2 (8th Cir. 1991) (quoting *United States v. Ledbetter*, 882 F.2d 1345, 1347 (8th Cir. 1989)). Moreover, the Eighth Circuit has stated that "[o]nce a notice of appeal has been filed in a case in which there has been a denial of a summary judgment motion raising the issue of qualified immunity, the district court should then stay its hand." *Id.* As such, Defendants' Motion to Stay Pending Interlocutory Appeal is granted.

Accordingly,

IT IS HEREBY ORDERED that Defendants' Motion to Stay Pending Interlocutory Appeal (Doc. [85]) is **GRANTED**.

IT IS FURTHER ORDERED that this action is **STAYED** pending the Eighth Circuit Court of Appeals' resolution of Defendants' appeal.

Dated this 23rd day of May, 2022.



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE